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were offered in evidence, or shown by the evidence to have been used in playing the game of poker. The court holds that some proof should have been adduced, either orally or by offering the cards themselves in evidence, that cards were used on the table in playing the game, "but there is not one word of proof as to the use of common playing cards or any other cards on this table. In the absence of a showing that the game of poker was played with cards, we will not take judicial knowledge that poker is a game of chance."

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**Consumption as Ground for Divorce.**—Is a disease such as pulmonary consumption a sufficient cause for separation a mensa et thoro? In *Abramowitz v. Abramowitz*, 140 New York Supplement, 275, the parties intermarried in 1912 and the wife returned to her parents after five days. The wife's action for separation is based on the ground of cruelty and conduct rendering it unsafe for her to cohabit with the defendant in that his state of health is such that it is "impossible, unsafe and unhealthy for her to cohabit with him." She says that he is troubled with a violent cough at night accompanied by expectoration of blood and that the physician called in attendance stated that it "was caused by hemorrhages." The New York Supreme Court, Special Term, says: "Assuming for the sake of the argument that the facts point to the existence in the defendant of the disease commonly known as pulmonary consumption, which is very generally held to be both communicable and dangerous to health, its existence prior to the time of the marriage is not claimed, nor that any false representations as to the defendant's state of health were made, so as to induce the plaintiff to wed, though, of course, had there been, it would not be available in the present form of action. The plaintiff apparently had an ample opportunity for making inquiries as to the health of the defendant before marriage as she had as to his earning capacity. Perhaps the exercise of as great caution regarding the former as was paid to the latter consideration would have saved both parties trouble and unhappiness." The holding of the court is thus summarized in the following lines: "If during marriage disease attacks one of the spouses, it is not the one so afflicted who is guilty of legal cruelty. It is rather the other one who seeks on that ground a judicial separation."